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OFFICE OF PETITIONS

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In re Application of
Charles F. Spitz
Application No. 09/767,398
Filed: January 23, 2001
Attorney Docket No. 0655/62341

DECISION GRANTING PETITION

This is a decision on the paper styled "Second Request for Corrected Filing Receipt" filed July 5, 2001, which is being treated as a petition under 37 CFR 1.10(c), requesting that the above-identified application be accorded a filing date of January 23, 2001, instead of the presently accorded date of January 22, 2001.

Petitioner alleges that the application was deposited in "Express Mail" service with the U. S. Postal Service, on January 23, 2001. In support, petitioner provides a copy of the Express Mail label, receipt no. EM169951944US and a copy of the USPS Track/Confirm system information for the same receipt number showing that the Express Mail package in question was accepted on January 23, 2001. It is noted that while the "date in" on the copy of the Express Mail receipt is not legible, it includes a USPS receipt stamp dated January 23, 2001.

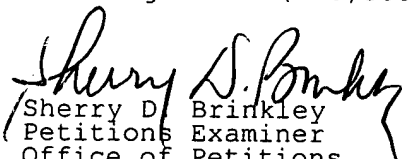
The Office considers the date the paper or fee is shown to have been deposited as "Express Mail" to be the "Date In" on the Express Mail label, MPEP 513. That is the date that verifies that the package was actually mailed. In view of the above, the evidence is convincing that the application was deposited as "Express Mail" with the US Postal Service on January 23, 2001.

PTO records have been corrected to show a filing date of **January 23, 2001**. A Corrected Official Filing Receipt is attached.

The petition is granted.

The application is being returned to Technology Center Art Unit 2132, with a filing date of January 23, 2001.

Telephone inquiries concerning this matter should be directed to the undersigned at (703)305-9220.


Sherry D. Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Assistant Commissioner
for Patent Policy and Projects

Attachment: Corrected Filing Receipt